## REMARKS

Applicant has reviewed the Office Action mailed on August 2, 2006 as well as the art cited. Claims 1-64 are pending in this application. Claims 1, 11, 28, 37, 53, and 59 have been amended to expedite examination. Claims 3, 13, 30, 39, 49, 57, and 63 have been amended to correct typographical errors.

### *Rejections Under 35 U.S.C. § 102*

Claims 1, 2, 28, 29, and 59 are rejected under 35 USC § 102(b) as being anticipated by O'Reilly et al. (U.S. Patent No. 5,551,025). Applicant respectfully traverses this rejection.

Claim 1 is directed to a method of collecting system statistics in a telecommunications device. The method comprises generating a sequence of time intervals from a relative time reference, wherein the relative time reference is independent of adjustments to an absolute time reference; gathering system statistics on a telecommunications device over the duration of each time interval; and storing a summarized record of the telecommunications device system statistics for the time interval at the conclusion of each selected time interval.

Although Applicant maintains that the term "relative time reference" was clear as claimed, in order to expedite examination, Applicant has amended claim 1 to make explicit what was implicit in the term "relative time reference," as originally claimed. Nothing in O'Reilly teaches or suggests "the relative time reference is independent of adjustments to an absolute time reference." Claim 1, therefore, is not anticipated by O'Reilly. Applicant respectfully requests that the rejection be withdrawn.

Claim 2 depends directly from claim 1 and, thus, is allowable for at least the reasons provided above with respect to claim 1.

Claim 28 is directed to a telecommunications device. The telecommunications devices comprises at least one communication link interface, a relative time reference clock, wherein the relative time reference is independent of adjustments to an absolute time reference; and a system statistics monitor, wherein the system statistics monitor gathers and stores statistics on the operation of the telecommunications device and the at

least one communication link interface over the duration of a sequence of selected time intervals as defined by the relative time reference clock.

In rejecting claim 28, the Examiner repeated arguments made in rejecting claim 1 above. Applicant refers the Examiner to Applicant's arguments made above with respect to claim 1. Applicant asserts that O'Reilly does not teach or suggest "the relative time reference is independent of adjustments to an absolute time reference." Claim 28 is, therefore, not anticipated by O'Reilly and the rejection should be withdrawn.

Claim 29 depends directly from claim 28 and, thus, is allowable for at least the reasons provided above with respect to claim 28.

Claim 59 is directed to a performance statistics monitor method in a telecommunications device having at least one communication link interface, a relative time reference clock, and a performance statistics monitor. The method comprises generating a sequence of time intervals from a relative time reference, wherein the relative time reference is independent of adjustments to an absolute time reference; gathering performance statistics on a telecommunications device over the duration of each time interval; and storing a summarized record of the telecommunications device performance statistics for the time interval at the conclusion of each selected time interval.

In rejecting claim 59, the Examiner repeated arguments made in rejecting claim 1 above. Applicant refers the Examiner to Applicant's arguments made above with respect to claim 1. Applicant asserts that O'Reilly does not teach or suggest "the relative time reference is independent of adjustments to an absolute time reference." Claim 59 is, therefore, not anticipated by O'Reilly and the rejection should be withdrawn.

*Rejections Under 35 U.S.C. § 103*

Claims 11, 12, 37, and 38 are rejected under 35 USC § 103(a) as being unpatentable over O'Reilly et al. (U.S. Patent No. 5,551,025) in view of Henderson (U.S. Patent No. 6,647,109).

Claim 11 is directed to a method of collecting performance statistics in a G.SHDSL compatible device. The method comprises generating a sequence of time

intervals from a relative time reference, wherein the relative time reference is

independent of adjustments to an absolute time reference; gathering performance

statistics on a G.SHDSL compatible device over the duration of each time interval; and

storing a summarized record of the G.SHDSL compatible device performance statistics

for the time interval at the conclusion of each selected time interval.

In rejecting claim 11, the Examiner repeated arguments made in rejecting claim 1

above.  Applicant refers the Examiner to Applicant's arguments made above with respect

to claim 1.  Applicant asserts that nothing in O'Reilly or Henderson, alone or in

combination, teaches or suggests "the relative time reference is independent of

adjustments to an absolute time reference."  Claim 11 is, therefore, not obvious over

O'Reilly in view of Henderson.  Applicant respectfully requests that the rejection be

withdrawn.

Claim 12 depends directly from claim 11 and, thus, is allowable for at least the

reasons provided above with respect to claim 11.

Claim 37 is directed to a G.SHDSL communications device.  The ommunications

device comprises at least one communication link interface; a relative time reference

clock, wherein the relative time reference is independent of adjustments to an absolute

time reference; and a performance statistics monitor, wherein the performance statistics

monitor gathers and stores performance statistics on the operation of the G.SHDSL

communications device and the at least one communication link interface over the

duration of a sequence of selected time intervals as defined by the relative time reference

clock.

In rejecting claim 37, the Examiner repeated arguments made in rejecting claim 1

above.  Applicant refers the Examiner to Applicant's arguments made above with respect

to claim 1.  Applicant asserts that nothing in O'Reilly or Henderson, alone or in

combination, teaches or suggests "the relative time reference is independent of

adjustments to an absolute time reference."  Claim 37 is, therefore, not obvious over

O'Reilly in view of Henderson.  Applicant respectfully requests that the rejection be

withdrawn.

**AMENDMENT AND RESPONSE**

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Claim 38 depends directly from claim 37 and, thus, is allowable for at least the reasons provided above with respect to claim 37.

Claim 53 is rejected under 35 USC §103(a) as being unpatentable over O'Reilly et al. (US Patent No. 5,551,025) in view of Langberg et al. (US Patent No. 5,852,630).

Claim 53 is directed to a machine-usable medium having machine readable instructions stored thereon for execution by a processor of a telecommunications device to perform a method. The method comprises generating a sequence of time intervals from a relative time reference, wherein the relative time reference is independent of adjustments to an absolute time reference; gathering performance statistics on a telecommunications device over the duration of each time interval; and storing a summarized record of the telecommunications device performance statistics for the time interval at the conclusion of each selected time interval.

In rejecting claim 53, the Examiner repeated arguments made in rejecting claim 1 above. Applicant refers the Examiner to Applicant's arguments made above with respect to claim 1. Applicant asserts that nothing in O'Reilly or Langberg, alone or in combination, teaches or suggests "the relative time reference is independent of adjustments to an absolute time reference." Claim 53 is, therefore, not obvious over O'Reilly in view of Langberg. Applicant respectfully requests that the rejection be withdrawn.

*Allowable Subject Matter*

Applicant thanks the Examiner for the indication that claims 22-27 and 46-52 are allowed.

Claims 3-10, 13-21, 30-36, 39-45, 54-58 and 60-64 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 3-10, 13-21, 30-36, 39-45, 54-58 and 60-64 each depend directly or indirectly from claims 1, 11, 28, 37, 53, and 59, respectively. In light of the arguments

presented above with regards to claims 1, 11, 28, 37, 53 and 59, Applicant has not

amended claims 3-10, 13-21, 30-36, 39-45, 54-58 and 60-64 to rewrite them in

independent form.

## CONCLUSION

Applicant respectfully submits that claims 1-64 are in condition for allowance and

notification to that effect is earnestly requested. If necessary, please charge any

additional fees or credit overpayments to Deposit Account No. 502432.

If the Examiner has any questions or concerns regarding this application, please

contact the undersigned at 612-455-1680.

Respectfully submitted,

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